

Amendment After Final Rejection
Serial No. 09/840,819

Docket No. PHN 16,698A

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the remarks made herein.

Claims 12-23 are pending and stand rejected.

The instant Office Action, in the Office Action Summary sheet, as in the previous Office Action, indicates that the drawings filed on 24 April 2001 are objected to. However, the Office Action fails to state the reason for the objection. Applicant respectfully requests that the objection be stated and that until the applicant is informed of the reason for the objection, that any requirement for replacing the drawings be held in abeyance until either the reasons for the objection is stated or the final resolution of the instant invention.

Claims 12-23 stand rejected under 35 USC 102(e) as being anticipated by Kawano (USP no. 5,774,797).

The rejection of claims 12-23 as being anticipated by Kawano is the same reason recited in rejecting the claims in the prior Office Action. The instant Office Action further states in reply to applicant's arguments presented in response to the rejection of the claims in the prior Office Action, that "[a]ccording to Kawano, prior to transmitting a signal, the signal is shaped its waveform [sic] by a processing circuit, modulated the signal by an orthogonal modulator, sent the RF transmission signal to a transmitter unit. A variable gain amplifier (VGA) in the transmitter until amplifies the RF transmission signal according to a control signal form the APC unit and forwards it to a power amplifier for transmission according to a set level, wherein the power at the output of the power amplifier is detected by a power detector and the power detector sends the detected signal to the APC, **if there is any deviation from a set level of the transmission power, the APC unit will adjust the gain of the VGA or the VGA changes the transmission power (column 7 lines 6-47, fig. 3).** (emphasis in the original). It should be noted that the transmission power set by the APC is only used for the transmission signal shaped, modulated by the processing/modulator units as cited above. Which means the transmission power based on the transmission signal value. Therefore, Kawano indeed

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teach [sic] the step of varying the power output based on the transmission frequency value." (see page 3-4, instant OA).

Applicant continues to respectfully disagree with the reason for rejecting the claims. As the Kawano reference was cited in the prior Office Action in rejecting the claim applicant's remarks regarding this reference and the arguments made in the response to the rejection of the claims in the prior Office Action are applicable to the rejection of the claims in the instant Office Action and are reasserted, as if in full, herein.

The instant OA refers to col. 7, lines 6-47 for maintaining the rejection of the claims. However, a reading of this section reveals that Kawano teaches "[a]n envelope detector unit ... demodulates the RF transmission signal by a diode and sends the detected envelope signal to an APC ... control unit ... The APC unit ... will try to regulate it by adjusting the gain of a variable gain amplifier ... In addition, the APC unit ... changes the transmission power setting in response to a request from the system power supply unit ..." (see col. 7, lines 36-46). (See also col. 8, lines 6-16, which state "[t]he envelope detector unit ... demodulates the transmission power signal with a diode detector and sends the obtained envelope signal to the APC ... unit ..., thus indicating the measured transmission power level. The APC unit ... compares it to the power level set by the TDMA circuit ... and, if it is deviated, adjusts the variable gain amplifier ... so as to provide the well-regulated transmission power. The power level is previously set in accordance with the supply voltage and internal temperature.")

Thus, Kawano discloses removing information regarding the frequency of the signal for controlling the gain of the variable gain amplifier, as the control is based on the signal power level. Kawano is silent with regard to "control input value of which is controlled in dependence of said frequency value, to vary an electrical supply of the amplifier," as is recited in the claims.

The Office Action argues that "if there is any deviation from a set level of the transmission power, the APC unit will adjust the gain of the VGA or the VGA changes the transmission power (column 7 lines 6-47, fig. 3). It should be noted that the transmission power set by the APC is only used for the transmission signal shaped, modulated by the processing/modulator units as cited above. Which means the transmission power based on the transmission signal value. Therefore, Kawano indeed

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teach [sic] the step of varying the power output based on the transmission frequency value."

However, contrary to this argument, nowhere does Kawano disclose adjusting power based on the transmission frequency value. Rather the frequency information is removed by the envelope detector and cannot be used in the power adjustment determination.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Kawano cannot be said to anticipate the present invention, because Kawano fails to disclose each and every element recited. As shown, Kawano fails to determine a "control input value of which is controlled in dependence of said frequency value," as is recited in the claims.

For at least the arguments presented herein, applicant believes that the cited reference fails to anticipate the subject matter recited in independent claim 1 and respectfully requests withdrawal of the rejection and allowance of the claim

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the remarks made in response to the rejection of claim 1, which are also applicable in response of the remaining independent claims, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

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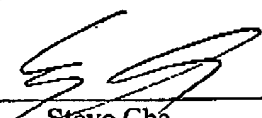
Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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